

## REMARKS

### **I. Introduction**

Claims 14 to 28 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the present application is in condition for immediate allowance, and reconsideration is respectfully requested.

### **II. Rejection of Claims 14 to 28 Under 35 U.S.C. § 103(a)**

Claims 14 to 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 2,288,160 ("Flumerfelt") and U.S. Patent No. 5,115,586 ("Hawker"). It is respectfully submitted that the combination of Flumerfelt and Hawker does not render these claims unpatentable for at least the following reasons.

Flumerfelt describes a joint assembly that includes a spherically shaped portion 30 of a stud member 22, metallic members 31, 32, bearing seats 37, 38, an annular cushion 44 formed of rubber or other compressible synthetic material and a joint housing 14. Hawker describes, in turn, a clip-on marker for leads or cables 10, which includes a pair of semi-cylindrical half-shells 12, 14, an integrally formed hinge 16 joining the half-shells 12, 14 and latch tongues 20, which engage with a catch bar 26 when the clip-on marker 10 is bent around and attached to a cable. However, the alleged motivation advanced by the Final Office Action for combining the disclosures of Flumerfelt and Hawker - namely, to bring two half sockets together - is untenable, in that Flumerfelt already sufficiently brings the spherical portion 30 of the stud 22, the metallic members 31, 32 and the bearing seats 37, 38 together and holding them in place - namely, the joint housing 14. In addition, the hinge 16 of Hawker has the disadvantage that it bulges outward when flexed (see Fig. 3 of Hawker), which means that if this hinge 16 were employed in the joint assembly of Flumerfelt, material would have to be removed from one of the bearing seats 37, 38 to accommodate the hinge 16, thereby potentially weakening the joint assembly.

Notwithstanding the above, although Applicants may not agree with the merits of the rejection, to facilitate matters, claim 14 has been amended to recite, in relevant part, that **an elastically deformable region is in a load-free state when a ball is completely inserted into a ball socket**. Support for this feature may be

found, for example, on page 6, lines 31 to 34 and page 7, lines 15 to 21 of the Specification.

Neither Flumerfelt nor Hawker discloses, or even suggests, the above-mentioned feature. As is apparent from Figures 2 and 3 of Hawker, the hinge 16, which the Final Office Action contends constitutes an elastically deformable region, is unstressed when the half-shells 12, 14 are not in contact, but bulges out and is in a loaded state when the half-shells 12, 14 are bent around and attached via the latch tongues (20) and catch bar (26). Accordingly, it is respectfully submitted that the combination of Flumerfelt and Hawker does not render claim 14 unpatentable for at least these reasons.

Claims 27 and 28 include features analogous to those included in claim 14 and have been amended in a manner analogous to claim 14. Accordingly, it is respectfully submitted that the combination of Flumerfelt and Hawker does not render claims 27 and 28 unpatentable for at least the reasons set forth above.

As for claims 15 to 26, which ultimately depend from claim 14 and therefore include all of the features of claim 14, it is respectfully submitted that the combination of Flumerfelt and Hawker does not render these dependent claims unpatentable for at least the reasons set forth above in support of the patentability of claim 14.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

### **III. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By: /Clifford A. Ulrich/  
Clifford A. Ulrich (Reg. No. 42,194)

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**